

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 Aerovista Place, Suite 100  
San Luis Obispo, CA 93401**

**TIME SCHEDULE ORDER NO. R3-2006-0088  
Revised March 23, 2007**

**REQUIRING THE  
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION  
(CALIFORNIA MEN'S COLONY) TO COMPLY WITH REQUIREMENTS  
PRESCRIBED IN ORDER NO. R3-2006-0032**

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board), finds:

1. The California Department of Corrections and Rehabilitation (hereafter Discharger), owns and operates wastewater collection, treatment, and disposal facilities to provide sewerage service to the California Men's Colony (CMC), the California National Guard's Camp San Luis Obispo, Cuesta College, San Luis Obispo County Education Center, and San Luis Obispo County Operational Facility.
2. The Central Coast Water Board adopted waste discharge requirements regulating the discharge of tertiary-treated effluent from the CMC wastewater treatment plant (WWTP) to Chorro Creek. Effluent is also supplied to San Luis Obispo County for irrigation of El Chorro Regional Park and Dairy Creek Golf Course. These requirements were reissued in Order No. R3-2006-0032, adopted by the Central Coast Water Board on July 7, 2006, with an effective date of August 26, 2006. Order No. R3-2006-0032 serves as a National Pollutant Discharge Elimination System (NPDES) permit (NPDES No. CA0047856).
3. Order No. R3-2006-0032 prescribes the following effluent limitation for total nitrogen (as N).

Parameter	Units	Maximum Daily
Total Nitrogen (as N)	mg/L	10

4. Treatment at the CMC WWTP currently consists of a mechanical bar screen, aerated grit removal, primary sedimentation, biofiltration, secondary clarification, rapid sand filtration, and chlorination/dechlorination. The existing treatment facility does not reliably meet current permit limitations and cannot comply with the new total nitrogen limitation of Order No. R3-2006-0032. Cleanup or Abatement Order No. 99-38 required the complete construction of wastewater treatment facility improvements. Major wastewater plant upgrades are currently under construction and nearly complete.

5. The newly upgraded facility will consist of an influent pump station, aerated grit removal, two oxidation ditches, secondary clarification, tertiary filtration, and chlorination/dechlorination. The new upgrades to the current facility will consistently decrease total nitrogen concentrations in the discharge and comply with the new total nitrogen limitation of Order No. R3-2006-0032.
6. The Discharger requested on July 6, 2006, either an extension to the adoption date of the NPDES permit or a Time Schedule Order (TSO) to protect it from mandatory penalties for violations of discharge limits in Order No. R3-2006-0032, until WWTP upgrade is complete.
7. The Discharger requested on February 26, 2007, an extension of this Order. The construction of the new WWTP is not complete due to construction delays beyond the Discharger's control. The Discharger stated that upgrading the existing plant to meet the discharge limits in Order No. R3-2006-0032 would take longer to accomplish than to complete construction of the new plant. Water Board staff concurs that the revised schedule is as short as possible in this case, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation.

#### NEED FOR ORDER AND LEGAL BASIS

7. California Water Code Section 13300 authorizes the Board to establish a time schedule of specific actions the Discharger shall take in order to correct or prevent a violation of requirements.
8. The Regional Board has delegated to its Executive Officer all powers and duties authorized by California Water Code (CWC) section 13223. This power included the authority to issue a TSO pursuant to CWC section 13300.
9. The Discharger cannot achieve immediate compliance with the new requirements for total nitrogen in Order No. R3-2006-0032, which are more stringent than those previously imposed. As a result, a discharge of waste from the current facility is taking place which threatens to violate requirements prescribed by the Regional Board. Therefore, this Order requires the Discharger to undertake action to complete the upgrades to its facility.
10. Violations of the final effluent NPDES limit for total nitrogen are not subject to CWC section 13385 subdivisions (h) and (l) as long as the Discharger complies with all of the requirements of this Order.
11. This Order requires the Discharger to finish plant upgrades, which will allow the Discharger to achieve full compliance with the permit effluent limitations for total nitrogen prescribed in NPDES Order No. R3-2006-0032.

12. The Regional Board has notified the Discharger, interested agencies, and persons, of its intent to issue this Order concerning violations or threatened violations of waste discharge requirements.
14. This enforcement action is taken for the protection of the environment and as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

Pursuant to California Water Code section 13320, any aggrieved party may seek review of this Order by filing a petition with the State Board. A petition must be sent to the State Water Resources Control Board, Office of Chief Counsel, Attn: Lori Okun, Senior Staff Counsel, 1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California, 95812, within 30 days of adoption of this Order.

**IT IS HEREBY ORDERED**, pursuant to Section 13300 of the California Water Code, California Department of Corrections and Rehabilitation, California Men's Colony, shall:

1. Achieve full compliance with the total nitrogen effluent limitation in NPDES Order No. R3-2006-0032 by July 1, 2008.
2. Submit progress reports every two months on efforts towards completion of the upgraded wastewater treatment facility. Progress reports shall be submitted by the fifteenth day of the first month following the reporting period.
3. If the Discharger fails to comply with any provisions of this Order, the Executive Officer may issue a complaint for administrative civil liability pursuant to California Water Code section 13323. The Regional Board may also refer the case to the Attorney General for injunction and civil monetary remedies, pursuant to California Water Code sections 13331 and 13385.
4. The Discharger shall comply with all provisions of NPDES Order No. R3-2006-0032 that are not in conflict with this Order.

The Executive Officer may modify the time schedule in this Order to permit a specified task or tasks to be completed at later dates if the Discharger demonstrates and the Executive Officer determines that the delay was beyond the reasonable control of the Discharger to avoid.

ORDERED BY \_\_\_\_\_  
Roger Briggs, Executive Officer

\_\_\_\_\_  
Date